

1 DALE WILLS
2 C.D.C. No. J-16405
3 P.O. Box 5246
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IN PRO SE

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2008 JAN 22 PM 3:31
RICHARD D. McLAUGHLIN
CLERK OF COURT
NORTHERN DISTRICT OF CALIFORNIA

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9 UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 DALE WILLS,

Case No. C-07-3354 CW (PR)

12 Petitioner,

13 v.

14 JAMES TILTON, et al.,

DECLARATION OF DALE WILLS IN
SUPPORT OF PETITIONER'S
MEMORANDUM OF POINTS AND
AUTHORITIES IN OPPOSITION
TO RESPONDENTS' MOTION TO
DISMISS

15 Respondents.

16 _____ /
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18 I, DALE WILLS, DECLARE AS FOLLOWS:

19 1. I am the Petitioner in the above-entitled action and
make this declaration in support of my memorandum of points
20 and authorities in opposition to respondents' motion to dismiss.

21 2. I have personal knowledge of the circumstances
involved and facts stated herein and if called as a witness to
22 testify to these facts I could do so competently.

23 3. On or about April of 2005, I mailed letters to all
counsel that represented me in the state superior and appellate
24 courts. I informed counsel that based upon my reading of the
People v. Davis case, they rendered ineffective assistance

ORIGINAL

1 of counsel as to the prior First Degree Burglary conviction of
2 1988, and that they should take whatever steps are necessary
3 to correct their errors. After waiting approximately thirty
4 (30) days for a response, I determined that either counsel
5 never received my letters or that no response was forthcoming.

6 4. On or about May of 2005, I again mailed letters to all
7 counsel relaying the same exact information as previously said.
8 Once again, after waiting approximately thirty (30) days for a
9 response without a response, I determined that either counsel
10 never received my letters or that no response was forthcoming.

11 5. At this point, having been abandoned by counsel, I was
12 left with no other choice but to take on the daunting task of
13 shifting and steering through the science of law so that I
14 may prosecute a petition for writ of habeas corpus in my own
15 behalf. Due to being confined to a Security Housing Unit,
16 however, my access to the law library was even more restricted
17 than normal and this significantly stymied my efforts at legal
18 research. In addition, I had to dedicate some of my time to
19 conduct legal research into other matters as well such as Wills v.
20 Terhune, et al., United States District Court, Eastern District
21 of California, Case No. CIV-F-98-6052 OWN DLB, lest I forfeit
22 my rights in that case, a 42 U.S.C. § 1983 action.

23 6. As a result of the foregoing, it took me approximately
24 nine (9) months, from May of 2005 to January of 2006, in which
25 to conduct the legal research necessary to permit me to prepare,
26 serve, and file a meritorious memorandum of points and
27 authorities to support my actual petition. Given that I only
28 have one chance at presenting these issues, I believed this to

1 be absolutely necessary for an adequate presentation of the
2 claims raised in this proceeding. In addition, it took me
3 approximately forty-five (45) days and five (5) rough drafts
4 to actually piece together my final version of the memorandum
5 of points and authorities for the state superior court.

6 I declare under penalty of perjury under all applicable
7 laws that the foregoing is true and correct.

8 DATED: Jan. 15, 2008

9 By: Dale Wills
10 DALE WILLS

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